HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2921 OF 2005.

M/s. Perfect Engineering Products
Pvt. Ltd. ..Petitioner.

Versus.

M/s. Prakash Industrial Corporation. ..Respondent.

Shri. R. A. Shiakh for the Petitioner.
Shri. M. J. Bhatt for the respondent.

CORAM: S.B.MHASE, J.
DATE : MARCH 29, 2006.

P.C.

1. Heard learned counsel for the petitioner, Shri. R. A. Shaikh. Perused the order dated 20.12.2004, below Exhibit-38, passed by the IInd Joint Civil Judge, Senior Division, Thane. Perused the application Exhibit-38 preferred by the defnedants requesting the Court to frame the issue in respect of the jurisdiction and treat the said issue as a preliminary issue. The trial Court has framed the issue in respect of the jurisdiction but has refused to treat it as a preliminary issue. No interference is called for. In view of Order-XIV rule-2 of the Code of Civil Procedure, 1908 it is required that all the issues should be decided together to avoid the multiplicity of litigation and to avoid multiple remands of the matter from the appellate Courts.

(S.B.MHASE, J.)